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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Leonard Eshaya,

10 Petitioner,

11 v.

12 Ryan Thornell, et al.,

13 Respondents.
14

No. CV-23-00746-PHX-DWL

ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of
17 the United States Magistrate Judge (Doc. 17). The R&R, which was issued on April 26,
18 2024, recommends that the petition be denied and dismissed with prejudice and further
19 provides that "[t]he parties shall have fourteen days from the date of service of a copy of
20 this recommendation within which to file specific written objections with the Court." (Doc.
21 17 at 14.)

22 Here, no such objections have been filed and the time to object has expired. Thus,
23 the Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474
24 U.S. 140, 149-50 (1985) ("It does not appear that Congress intended to require district court
25 review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard,
26 when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d
27 1219, 1226 (D. Ariz. 2003) ("[N]o review is required of a magistrate judge's report and
28 recommendation unless objections are filed."). *See also United States v. Reyna-Tapia*, 328

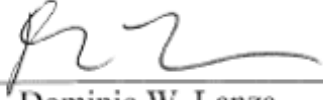
1 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge’s
2 findings and recommendations de novo *if objection is made*, but not otherwise.”).

3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 17) is accepted,
5 that the Petition (Doc. 1) is denied and dismissed with prejudice, and that the Clerk of
6 Court shall enter judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
8 proceed in forma pauperis on appeal be **DENIED** because Petitioner has not made a
9 substantial showing of the denial of a constitutional right.

10 Dated this 21st day of May, 2024.

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Dominic W. Lanza
United States District Judge
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